

**CITY COUNCIL AGENDA
OCTOBER 19, 2020
6:00 P.M.**

1. Roll Call
2. Adoption of Agenda
3. Public Hearing to Consider Amendments to the Zoning Regulations Made in Conformance with State Statute and to Update Various Zoning Regulations
4. Approve or Correct Minutes of Regular Session of October 5, 2020
5. Business from the Audience – limited to 3 minutes per speaker. Any person, resident or non-resident, wishing to address the Council may approach the microphone and state their name, address and comments. Non-residents are invited to speak first, followed by residents of the city. Although we are readily available outside our formal meetings, this will be your only opportunity to offer your thoughts during this evening's meeting as comments from the floor will not be taken during the regular meeting. Although certainly welcome, you are not required to stay for the remainder of the meeting and may exit the Council Chambers in a quiet and respectful manner.
6. Committee Reports
 1. Public Relations and Public Safety Committee
 2. Municipal Services and Personnel Committee
 3. Property, Finance, Budget and Audit Committee
 4. Community Development and Code Committee
 5. City Administrator
 6. Mayor's Report
7. Discussion and Appropriate Follow Up
 1. Striping of City Streets
8. Ordinances
 1. Amend Section 10-3 of Article 1, Chapter 10 of the Code of Ordinances Regarding the Collection of Court Costs for the Municipal Court of the City of Marshall
 2. Adopt and Enact a New Code of Ordinances of the City of Marshall
 3. Appropriation
9. Other Council Business
10. Adjourn to Executive Session Concerning Legal Actions, Causes of Actions or Litigation Involving a Public Governmental Body and Any Confidential or Privileged Communications Between a Public Governmental Body or its Representatives and its Attorneys; Hiring, Firing, Discipline or Promotion of Personnel.
RSMO 610.021 (1,3)

**POSTED 10/16/2020
11:00 A.M.**

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 10-3 OF ARTICLE 1 OF CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF MARSHALL, MISSOURI, REGARDING THE COLLECTION OF COURT COSTS FOR THE MUNICIPAL COURT OF THE CITY OF MARSHALL

WHEREAS, the City of Marshall, Missouri, pursuant to Section 479.260 of the Revised Statutes of Missouri is permitted to provide by ordinance for the collection of fees for each municipal ordinance violation case filed before a municipal judge.

BE IT ORDAINED by the Council of the City of Marshall, Missouri, as follows:

Section 1. Chapter 10, Article I, Section 10-3 of the Municipal Code of Ordinances of the City of Marshall, Missouri, is hereby amended by deleting the current language and replacing it with the following:

In cases before the Traffic Violations Bureau and the Municipal Court where the defendant pleads guilty or is convicted, except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs, there shall be assessed and collected from such defendant, in addition to the fine or other punishment imposed, the following:

1. The sum of twelve dollars (\$12.00) as court costs;
2. A fee of two dollars (\$2.00) to be set aside in a separate fund by the City Treasurer to be used solely for peace officer or coroner training as set forth in § 488.5336, RSMo.;
3. A fee of one dollar (\$1.00) to be set aside and made payable to the state treasury to the credit of the peace officer standards and training commission fund;
4. A fee of two dollars (\$2.00) to be set aside for the Inmate Security Fund, which shall be used for the purposes set forth in § 488.5026, RSMo.;
5. A fee of seven dollars and fifty cents (\$7.50) to be set aside crime victims' compensation fund, with five percent (5%) of such moneys being payable to the City of Marshall and ninety-five percent (95%) of such moneys shall being payable to the Director of Revenue of the State of Missouri;
6. A fee of three dollars (\$3.00) to be set aside and made payable to the sheriffs' retirement fund;
7. A fee of one dollar (\$1.00) to be set aside for the domestic violence shelter fund for the purpose of providing operating expenses for shelters for battered persons; and

8. A fee of seven dollars (\$7.00) to be set aside for the Statewide Court Automation Fund, with all such amounts collected transmitted monthly to the Missouri Director of Revenue to the credit of the Missouri Statewide Court Automation Fund.

Section 2. In all other respects, the Code of Ordinances of the City of Marshall, Missouri shall remain unchanged.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the Council of the City of Marshall, Missouri, this ____ day of _____ 2020.

President

APPROVED by the Mayor this ____ day of _____ 2020.

Mayor

FILED this ____ day of _____ 2020.

City Clerk

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF MARSHALL, COUNTY OF SALINE, STATE OF MISSOURI; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; PROVIDING PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE

BE IT ORDAINED by the Council of the City of Marshall, Missouri, as follows:

Section 1. Approval, Adoption and Enactment of Code. Pursuant to Section 71.943 of the Revised Statutes of Missouri, the codification of ordinances, as set out in Titles I through VII, each inclusive, of the "Code of Ordinances of the City of Marshall, County of Saline, State of Missouri," is hereby adopted and enacted as the "Code of Ordinances of the City of Marshall"; which shall supersede all other general and permanent ordinances of the City passed on or before March 16, 2020, to the extent provided in Section 3 hereof.

Section 2. When Code Provisions Effective. All provisions of such Code shall be in full force and effect from and after the effective date of this ordinance as set forth herein.

Section 3. Repeal of Legislation Not Contained in Code; Legislation Saved From Repeal; Matters Not Affected By Repeal.

A. All ordinances of a general and permanent nature of the City adopted on final passage on or before March 16, 2020, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this ordinance, except those which may be specifically excepted by separate ordinance, and except the following which are hereby continued in full force and effect, unless specifically repealed by separate ordinance:

1. Ordinances promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds or notes of the City or any other evidence of the City's indebtedness, or authorizing any contract or obligation assumed by the City.
2. Ordinances levying taxes or making special assessments.
3. Ordinances appropriating funds or establishing salaries and compensation and providing for expenses.

4. Ordinances granting franchises or rights to any person, firm or corporation.
5. Ordinances relating to the dedication, opening, closing, naming, establishment of grades, improvement, altering, paving, widening, or vacating of streets, alleys, sidewalks or public places.
6. Ordinances authorizing or relating to particular public improvements.
7. Ordinances respecting the conveyances or acceptance of real property or easements in real property.
8. Ordinances dedicating, accepting or vacating any plat or subdivision in the City or any part thereof, or providing regulations for the same.
9. Ordinances annexing property to the City.
10. All zoning and subdivision ordinances not specifically repealed and not included herein.
11. Ordinances establishing TIF districts or redevelopment districts.
12. Ordinances relating to traffic schedules (e.g., stop signs, parking limits, etc.).
13. All ordinances relating to personnel regulations (e.g., pensions, retirement, job descriptions and insurance, etc.).
14. Ordinances authorizing the establishment of industrial development corporations.
15. Ordinances establishing tax rates for the City.
16. 1985 City Code Sections 2-341 through 2-360, regarding City funds and payment of claims.
17. Provisions regarding Old Age and Survivor's Insurance, including 1985 City Code Sections 2-286 through 2-290.
18. Provisions regarding family and medical leave, including 1985 City Code Sections 2-298 through 2-305.
19. Conflicts of interest provisions.

20. Police Department administrative and personnel policies, including 1985 Code Sections 22-16 to 22-20, 22-27 to 22-29, 22-33, and 22-35.
- B. The repeal provided for in this Section shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.
- C. The repeal provided for in this Section shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to such date.

Section 4. Amendments to Code. Any and all additions and amendments to such Code when passed in such form as to indicate the intention of the City Council to make the same a part thereof shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances of the City of Marshall" shall be understood and intended to include such additions and amendments.

Section 5. Violations and Penalties.

- A. Except as hereinafter provided, whenever in any rule, regulation or order promulgated pursuant to such ordinances of the City, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such City ordinance, rule, regulation or order doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such ordinance of the City, or of any rule, regulation or order promulgated pursuant to such City ordinance, shall be punished by a fine of not less than five dollars (\$5.00) and not more than five hundred dollars (\$500.00) or by imprisonment for a period not to exceed three (3) months, or by both such fine and imprisonment.
- B. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State limits the authority of the City to punish the violation of any particular provision of these ordinances or rules, regulations or orders promulgated pursuant thereto to a fine of less amount than that provided in this Section or imprisonment for a shorter term than that provided in this Section, the violation of such particular provision of these ordinances or rules, regulations or orders shall be punished by the imposition of not more than the maximum fine or imprisonment so authorized, or by both such fine and imprisonment.
- C. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State establishes a penalty differing from that provided by this Section for an offense similar to any offense established by these ordinances, rules, regulations or other orders of the

City, the violation of such City law, ordinance, rule, regulation or order shall be punished by the fine or imprisonment established for such similar offense by such State law.

- D. Each day any violation of these ordinances, rules, regulations, or orders promulgated pursuant thereto shall continue shall constitute a separate offense, unless otherwise provided.
- E. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

Section 6. Applicability of General Penalty. In case of the amendment by the City Council of any Section of such Code for which a penalty is not provided, the general penalty as provided in Section 5 of this ordinance shall apply to the Section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another Section in the same Chapter, the penalty so provided in such other Section shall be held to relate to the Section so amended, unless such penalty is specifically repealed therein.

Section 7. Filing of Copy of Code; Codes to Be Kept Current. A copy of such Code shall be kept on file in the office of the City Clerk, preserved in loose-leaf form or in such other form as the City Clerk may consider most expedient. It shall be the express duty of the City Clerk, or someone authorized by said officer, to insert in their designated places all amendments and all ordinances or resolutions which indicate the intention of the City Council to make the same part of such Code when the same have been printed or reprinted in page form and to extract from such Code all provisions which from time to time may be repealed by the City Council. This copy of such Code shall be available for all persons desiring to examine the same.

Section 8. Altering or Tampering with Code; Violations and Penalties. It shall be unlawful for any person to change or alter by additions or deletions any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Marshall to be misrepresented thereby. Any person violating this Section shall be punished as provided in Section 5 of this ordinance.

Section 9. Severability. It is hereby declared to be the intention of the City Council that the Sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or Section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this ordinance or the Code hereby adopted.

Section 10. Effective Date. This ordinance and the Code adopted hereby shall become effective and be in full force and effect from and after its passage and approval.

PASSED by the Council of the City of Marshall, Missouri, this ____ day of _____ 2020.

President

APPROVED by the Mayor this ____ day of _____ 2020.

Mayor

FILED this ____ day of _____ 2020.

City Clerk

ORDINANCE NO. _____

AN ORDINANCE MAKING THE APPROPRIATION FOR THE PAYMENT OF ACCOUNTS OUT OF THE DIFFERENT CITY FUNDS.

BE IT ORDAINED by the Council of the City of Marshall, Missouri, as follows:

SECTION I. There is hereby appropriated out of the different funds as follows:

GENERAL FUND	\$ 222,870.03
SANITATION FUND	36,854.30
LIBRARY FUND	6,656.54
BAND FUND	407.80
PARK FUND	27,312.86
CITY OFFICE/REVITALIZATION	-
STREET FUND	36,966.53
AIRPORT OPERATING FUND	1,405.83
TOURISM	-
MARTIN COMMUNITY CENTER	200.00
HAB CENTER FUND	-
TENNIS COURT IMPROVEMENT	-
SOUTH ODELL SEWER	-
WATER OPERATING FUND	\$ 191,513.10
ELECTRIC OPERATING FUND	217,478.18
SEWER REVENUE FUND	70,621.73
INTERNET OPERATING FUND	31,783.01
NATURAL GAS OPERATING FUND	94.44
ELECTRIC CONSUMER DEPOSIT FUND	8,100.00
SEWER EQUIPMENT FUND	-
WATER SEGREGATED	-

SECTION II. The City Clerk is hereby instructed to make out warrants in favor of the respective parties set out in the hereto attached lists and when said warrants are properly signed to deliver them to the proper parties.

PASSED by the City Council of the City of Marshall, Missouri, this 5th day of OCTOBER, 2020.

President of the City Council

APPROVED by the Mayor of the City of Marshall, Missouri, this 5th day of OCTOBER, 2020.

Mayor

FILED this 5th day of OCTOBER, 2020.

City Clerk